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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,668

09/01/2005

Graham Foster

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STITES & HARBISON PLLC
401 COMMERCE STREET
SUITE 800
NASHVILLE, TN 37219

EXAMINER

YABUT, DANIEL D

ART UNIT

PAPER NUMBER

3656

MAIL DATE

DELIVERY MODE

07/21/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/531,668	Applicant(s) FOSTER ET AL.	
	Examiner DANIEL YABUT	Art Unit 3656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 22-36**, as best understood, are rejected under 35 U.S.C. 102(a) as being anticipated by Japanese Patent, JP2002122271A.

JP2002122271A discloses an anchoring device (Fig. 1), comprising a(n):

Re claim 22

- Elongate member (12) anchored to a fixed member (11) having a slot (at 23) leading to an edge (at W)
- Sleeve (14) which is fixable coaxially around said elongate member and which is provided with a peripheral groove (near 40; Fig. 2), the axial length of which is sufficient to accommodate the thickness of the fixed member at said slot (Fig. 1a)
- Outer dimension of the groove (W; Fig. 1) being less than the inner dimension (D; Fig. 1) of the slot
- Collar member (17) being carried by, and axially moveable along, said sleeve, said collar member having a leading edge (at 48) which extends into said groove when the anchoring device is located within said slot, to effectively increase the diameter of said groove (Fig. 1a) and prevent said anchoring device from being withdrawn from said slot
- Axial length of the peripheral groove is fixed (Fig. 2).

Re claim 23

- Anchoring device being located within said slot (Fig. 1), the leading edge of said collar member substantially fills the gap between the groove and the slot (at 17; Fig. 1), said gap being created by the difference in their respective dimensions.

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Re claims 24 and 32

- Collar member is substantially cylindrical and said leading edge is substantially circular (Fig. 1a, 1b)

Re claim 25 and 33

- Slot is generally U-shaped (at 23) and includes a narrowed neck portion (at 24), beneath which said leading edge of the collar member is engaged (Fig. 1) when said anchoring device is located within said slot.

Re claim 26, 34, and 35

- Leading edge includes a chamfer (at 48).

Re claim 27

- Fixed member includes at least one chamfer (near 24) at the open edge thereof
- Fixed member chamfer operates to push the leading edge of the collar out of the groove and away from the fixed member (see English abstract; L5-10)

Re claim 28

- Collar member is spring biased (18) in the direction of the fixed member (see English abstract; L5-10)
- When the anchoring device is fully located within the slot, the leading edge of the collar member automatically extends into the groove (Fig. 1).

Re claim 29

- Collar member is manually retractable against the spring force to withdraw the leading edge thereof from the groove, and enable the anchoring device to be withdrawn from the slot (see English abstract; L5-10).

Re claim 30 and 36

- Load bearing ring (19, 20; Fig. 3) surrounding at least a portion of said collar member (at 20; Fig. 5).

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Re claim 31

- Spring located underneath said collar member (at 18 in Fig. 1) and retained in compression by a cap member (at 44).

Response to Arguments

Applicant's arguments filed 5/12/2009 have been fully considered but they are not persuasive.

Applicant generally argues that the citation pertaining to the outer dimension of the peripheral groove is inaccurate in that the claim limitation relates to the arrangement which is around the elongate member, whereas the citation "W" in the previous action appears to relate to the fixed member only. However, as can be seen in Figure Z below, two dotted lines extend from the dimension "W" and correspond to the outer dimension (diameter near elongated member) of the peripheral groove generally located at B. As such, the dimension "W" is characteristic of the outer dimension of the peripheral groove (at B), and thus the outer dimension of the peripheral groove can be deemed as a lesser dimension than the inner dimension "D" of the fixed member. As such, this limitation does not structurally distinguish itself from the prior art.

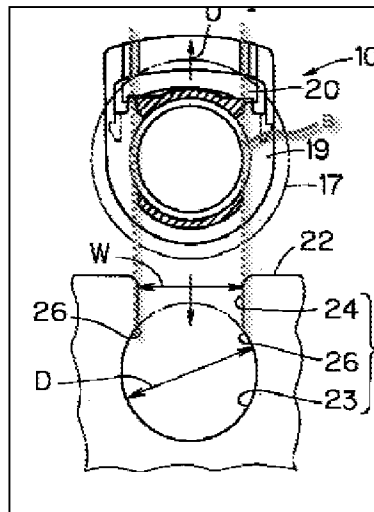


Figure Z: View of anchoring device of JP2002122271A

Applicant general argues that the axial length of the peripheral groove in the prior art is not fixed as recited in the claims. The claim limitation is sufficiently broad as not to structurally distinguish itself from the prior art. For example, Figure 5 illustrates a configuration where this

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grooved is fixed, as can be seen near numeral 11. Applicant argues that references fail to show certain features pertaining to the fixed axial length of the peripheral groove (i.e. two opposed shoulder portions 7a and 7b), however it is noted that the features regarding this feature are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL YABUT whose telephone number is (571)270-5526. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:00 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard W. Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL YABUT/
Examiner, Art Unit 3656
7/16/2009

/Richard WL Ridley/
Supervisory Patent Examiner, Art Unit 3656